

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Rural Communities, Land Use, and Water

MEASURE: HB 3217 A
CARRIER: Rep. Bentz

Fiscal: Has minimal fiscal impact
Revenue: No Revenue Impact

Action Date: 04/21/15
Action: Do Pass As Amended And Be Printed Engrossed.
Meeting Dates: 03/31, 04/21
Vote:
Yeas: 5 - Clem, Gilliam, McLane, Post, Witt
Nays: 2 - Gomberg, Helm

Prepared By: Ian Davidson, Committee Administrator

WHAT THE MEASURE DOES:

Directs Department of State Lands (DSL) to establish by rule pilot program for voluntary stream restoration and beaver recovery through construction of artificial beaver dams located in Malheur Lake drainage basin. Defines terms. Requires pilot program to include requirement for monitoring and criteria for evaluating program and requirements for participants to provide information on number and specific locations of artificial beaver dams to be constructed and materials to be used. Exempts construction of artificial beaver dams on qualifying streams from being considered artificial obstructions and exempts them from fish passage requirements. Where practicable, requires DSL to adopt rules that include options for designing and constructing beaver dams in manner for fish passage in a qualifying stream if streams were restored as result of voluntary restoration project or dams that could be modified to provide fish passage if streams were restored and native migratory fish return as result of voluntary restoration project. Requires participating landowners to work collaboratively with State Department of Fish and Wildlife to provide appropriate fish passage for any native migratory fish that return to area in restoration project. Requires DSL to provide preliminary report to Legislative Assembly no later than January 1, 2017 and to report to Legislative Assembly on identified environmental and economic impacts resulting from pilot program no later than January 1, 2025. Sunsets January 2, 2027. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Bill does not authorize water use
- Potential reintroduction of beavers
- Lack of specificity as to which materials or technologies will be used in artificial beaver dams
- Need for exemption from fish passage laws
- History of beavers being considered predators and hunted

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure except sections about rulemaking authority of Department of State Lands (DSL), report to Legislative Assembly by DSL, sunset, and emergency clause.

BACKGROUND:

Historically, many small streams in eastern Oregon were inhabited by beaver populations and strongly influenced by beavers' unique ability to modify their physical surroundings. Beaver dams had the effect of slowing the flow of water, allowing for natural overflow onto surrounding floodplains and providing many positive benefits to stream ecosystems and to the hydrologic functioning of streams. Due, in part, to the near eradication of the once-prevalent beaver populations, many stream systems have become severely degraded during the past century, developing deeply eroded and incised stream channels that have lost connectivity with the natural historic floodplain. These changes to the stream systems have resulted in adverse environmental and economic impacts.

House Bill 3217 A would direct the Department of State Lands (DSL) to establish by rule a pilot program for voluntary stream restoration and beaver recovery through construction of artificial beaver dams located in the Malheur Lake drainage basin. The measure would also require the DSL to report to Legislative Assembly on identified environmental and economic impacts resulting from pilot program no later than January 1, 2025 and submit a preliminary report no later than January 1, 2017.